

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 20th day of April, 2015 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Adan Chapa Mayor
 Vickie Abrego Mayor Pro Tem
 Ramiro Gomez Council Member
 Phillip Hyatt Council Member
 Billy Ellis Council

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
 Sylvia Carrillo City Manager
 Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Eric Blanchard Police Chief
 Rickie Kilgore Fire Chief
 Donna Cox Finance Director
 Fernando Quintanilla Public Works Director
 Lynn Pearce EMC
 Robert Brake Code Enforcement Officer
 Jeff Martin I.T. Manager
 Manny Camarillo Parks & Rec Supervisor
 J.P. Gonzales Planner/Scheduler
 Amanda Torres Administrative Assistant
 Bill Haines Harbormaster
 Steffany Boyd Animal Control Officer
 Ysidro Villarreal Street Supervisor
 Sarah Lee Community Enrichment Director
 Henrie Morales Municipal Court Judge

OTHERS PRESENT: Sylvia Vergara, Marcel Poirrer, Jr, Polly Mirkovich, Ricky & Priscilla White, Ann Melton, Ivah Mircovich, Alan Jones, Roy & Cynthia Vasquez, Roger & Sylvia Mackie, Sunshine Hoff/Top Fuel Foods, Steven Warren, Donald Brummett, Carol Salinas, Annita West, Capt. Fred & Capt. Hope Comingore, Carrie Scruggs, Jay Masterson, Juan Perales, Jr, Kimberly Lane, Gene Herrley, Rich Scherz, Lupe Rocha and Patsy Lawrence.

There may have been others present who did not sign in.

1. **CALL MEETING TO ORDER.**

Mayor Chapa opened the meeting at 7:00 P.M.

2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Chapa led the Invocation and the Pledge of Allegiance to the United States Flag.

3. **CONSENT AGENDA – “ALL OF THE FOLLOWING ITEMS ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE CITY COUNCIL AND WILL BE ENACTED WITH ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A COUNCILMEMBER SO REQUESTS. IF DISCUSSION IS DESIRED, THAT ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY”.**

A. CONSIDER AND ACT ON MINUTES OF MARCH 2 AND MARCH 16, 2015.

B. ORDINANCE NO. 2015-4107 – AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO TERRY HARRISON TO CONSTRUCT AND OPERATE AN OPEN AND ENCLOSED STORAGE BUSINESS IN A GENERAL BUSINESS (GB) DISTRICT ON PROPERTY DESCRIBED AS THE NORTH ½ OF TRACTS 1, 2, 3, AND 4, BLOCK 1, MCCAMPBELL SUBDIVISION, CITY OF ARANSAS PASS, TEXAS, SUBJECT TO CONDITIONS SETFORTH.

Motion Made By: Council member Hyatt
Seconded By: Council member Ellis
Votes: Aye Abrego, Hyatt, Gomez, Ellis, Chapa

Discussion: Council member Hyatt made a motion to approve the items on the consent agenda. Council member Ellis seconded the motion and the motion carried unanimously.

4. CITIZENS COMMENTS.

Name: Polly Mirkovich

Address: P.O. Box 168

Concern: Ms. Mirkovich stated she liked the stain glass window on the Seaman's Memorial Tower and would not like it to be removed.

Departments Affected: Harbor

Name: Jay Loretta Masterson

Address: 120 Misty Lane

Concern: Ms. Masterson complimented staff on being willing to do new things in new ways. She suggested putting a list of permits pulled in the Progress on a consistent basis. Additionally, she suggested the City create a foundation for people or organizations wanting donations. The Coastal Bend Community Foundation manages similar foundations, and she said she would be willing to donate the first \$1,000 to it.

Departments Affected: Building, City Manager

Name: Capt. Fred Comingore

Address: P.O. Box 1826

Concern: Complimented the City for the stormwater pumps. He said his yard usually floods but it did not flood this time.

Departments Affected: Public Works/Drainage

Name: Ann Melton

Address: S. Commercial

Concern: Ms. Melton said she was pleading with the City to expand their animal control facilities. She also complimented the Police Department, saying that John Flowers was the nicest dispatcher. There was a pit bull on the loose but the kennels were filled.

Departments Affected: Animal Control, Police Department

Name: Fire Chief Rickie Kilgore

Address: 600 W. Cleveland

Concern: Invited the public to attend their drill on May 2, 10:00 a.m. at Pruitt Storage. Area fire departments would be participating in the event.

Departments Affected: Fire Department

Name: Sunshine Hoff

Address: 107 Pelican, Rockport

Concern: Commented that she was looking forward to putting a mobile food truck into town once the ordinance was in place. She said that she thought it was great for the city and it would bring more business to town. She represents Top Fuel Foods. City Manager Carrillo replied that the item should be on the next council agenda.

Departments Affected: Building, City Manager

5. CITIZENS ACADEMY GRADUATION CEREMONY

Discussion: City Manager Carrillo introduced the graduates of the second Citizens' Academy: Carol Salinas, Sylvia Vergara, Judge Henrie Morales, Capt. Fred Comingore, Marcel Poirrier, Jr., and Cynthia Vasquez. Mayor Adan Chapa presented the graduates with certificates. Ms. Christi Vasquez advised the audience to take the academy if they had the opportunity. She said it was very motivating and inspiring. Capt. Fred Comingore complimented the Police Chief and City Manager, saying that the City had a goldmine with the two of them. He was impressed with how interesting the presentation from the Finance Department was. Ms. Carol Salinas complimented the Public Works department and their enthusiasm for their jobs. Judge Henrie Morales commented that it was so inspiring to see department heads and staff so dedicated to their jobs. She said that once you attend and know what each department does, you will appreciate what they do.

6. CONSIDER AND ACT ON APPROVING CITY MANAGER ITEMS:

A. AWARDING BID FOR MOBILE FOOD VENDORS AT THE AQUATICS CENTER PARK.

Motion Made By: Mayor Pro Tem Abrego

Seconded By: Council member Hyatt

Votes: Aye – Abrego, Hyatt, Gomez, Ellis, Chapa

Discussion: City Manager Carrillo commented that improving the Aquatics Center had undergone a lot of process moving forward. Two proposals were received from Kona Ice and Harbor City Snack Shack. Insurance had not been verified as that time. The businesses would operate on a percentage of revenue to be funneled back to the City. The fee would be minimal. Mayor Pro Tem Abrego asked for verification that the mobile food vendors would not be allowed inside the Aquatics Center Park. City Manager Carrillo replied that they would be located outside. Mayor Pro Tem Abrego made a motion to approve the bid by Kona Ice and Harbor City Snack Shack pending insurance approval. Council member Hyatt seconded the motion and the motion carried unanimously.

B. AWARDING BID FOR FACILITY USE AGREEMENT FOR THE SOFTBALL FIELDS IN COMMUNITY PARK.

Motion Made By: Council member Hyatt

Seconded By: Council member Gomez

Votes: Aye - Abrego, Hyatt, Gomez, Ellis, Chapa

Discussion: City Manager Carrillo explained that Mr. Roland Pena was the only person who submitted a bid for the softball fields. He is proposing the same contract essentially but with a few more stipulations. Staff did not have any issue to continue to sublet the fields to him. Council member Hyatt made a motion to award the bid for the facility use agreement to Mr. Roland Pena. Council member Gomez seconded the motion and the motion carried unanimously.

C. ENTERING INTO AN AGREEMENT WITH GSM OF ROCKPORT TO ASSIST CITY STAFF WITH ISSUANCE OF AN RFP FOR MEDICAL INSURANCE.

Motion Made By: Council member Hyatt
Seconded By: Council member Gomez
Votes: Aye - Abrego, Hyatt, Gomez, Ellis, Chapa

Discussion: City Manager Carrillo explained that the City was not in compliance with the documentation requirements as set forth through Obamacare. GSM Insurers of Rockport would be assisting in developing in the RFP and scoring received bid packages. Council member Hyatt made a motion to enter into an agreement with GSM of Rockport to assist city staff with issuance of an RFP for medical insurance. Council member Gomez seconded the motion and the motion carried unanimously.

7. CONSIDER AND ACT ON APPROVING COASTAL BEND CLASSIC AND CUSTOM CAR SHOW ITEMS:

A. HOT FUND REQUEST FOR \$4,500.

B. ROAD CLOSURE ON HOUSTON STREET BETWEEN GOODNIGHT AVENUE AND WILSON AVENUE FROM 8 A.M. TO 5 P.M., SATURDAY, SEPTEMBER 5, 2015.

Motion Made By: Council member Hyatt
Seconded By: Council member Ellis
Votes: Aye - Abrego, Hyatt, Gomez, Ellis, Chapa

Discussion: Representatives Alan Jones and Sylvia Mackie spoke on behalf of the Coastal Bend Classic and Custom Car Show. Mr. Jones explained that they planned on hosting the event in the parking lot of the Chamber of Commerce but would need an accommodating road closure and HOT funds for advertisements. There is already interest from Port Lavaca and the Valley. Funds from the event help benefit Warrior Weekend. City Manager Carrillo said that there was not enough in HOT funds to support the request but suggested funding from council discretionary funds. Council member Hyatt asked how much funding was in the HOT fund account. Finance Director Cox responded slim to none because there were quite a few obligations to pay. Council member Hyatt made a motion to fund the request of \$4,500 from council discretionary funds and approve the request for the road closure. Council member Ellis seconded the motion and the motion carried unanimously.

8. CONSIDER AND ACT ON BUILDING DEPARTMENT ITEMS:

A. PUBLIC HEARING TO AMEND THE GENERAL BUSINESS USE TABLES TO AMEND USE #207 OPEN STORAGE (VISUAL SCREEN), REQUIRING AN ANNUAL OR COMPLAINT-DRIVEN INSPECTION AND EXTENDING THE ALLOTTED TIME PERIOD FROM ONE (1) YEAR TO FIVE (5) YEARS.

Discussion: City Attorney Lawrence opened the public meeting at 7:28 p.m. City Manager Carrillo explained that the Planning and Zoning Commission discussed extending the conditional use permit time to five years. The commission felt that this was a good amount of time to extend the conditional use. This would also require an annual or complaint-driven inspection for such areas. This would be a move toward compromise. City Attorney Lawrence closed the public meeting at 7:29 p.m.

B. CONSIDER AND ACT ON AMENDING THE GENERAL BUSINESS USE TABLES TO AMEND USE #207 OPEN STORAGE (VISUAL SCREEN), REQUIRING AN ANNUAL OR COMPLAINT-DRIVE INSPECTION AND EXTENDING THE ALLOTTED TIME PERIOD FROM ONE (1) YEAR TO FIVE (5) YEARS.

Motion Made By: Council member Ellis
Seconded By: Council member Hyatt
Votes: Aye - Abrego, Hyatt, Gomez, Ellis, Chapa

Discussion: Council member Ellis made a motion to approve item 8b. Council member Hyatt seconded the motion and the motion carried unanimously.

C. PUBLIC HEARING FOR THE REQUEST OF THIRD COAST STORAGE TO APPLY FOR A CONDITIONAL USE PERMIT FOR OPEN STORAGE (VISUAL SCREEN) IN GENERAL BUSINESS ZONING IN THE CITY OF ARANSAS PASS.

Motion Made By: Mayor Pro Tem Abrego
Seconded By: Council member Gomez
Votes: Aye Abrego, Gomez, Ellis, Hyatt, Chapa

Discussion: City Attorney Lawrence opened the Public Hearing at 7:34 PM.

City Manager Carrillo explained that she had not heard back from Mr. Bankler recently but he had mentioned in the past that he did not want a conditional use permit.

City Attorney Lawrence stated if Mr. Bankler did not want a Conditional Use Permit, then Council should deny this request.

Ms. Masterson stated she had 3 units with Third Coast Storage and was very happy. She stated the owners were responsible, place had good security and the company was a good business for the community.

City Attorney Allen Lawrence closed the Public Hearing at 7:38 PM.

D. REQUEST OF THIRD COAST STORAGE TO APPLY FOR A CONDITIONAL USE PERMIT FOR OPEN STORAGE (VISUAL SCREEN) IN GENERAL BUSINESS ZONING IN THE CITY OF ARANSAS PASS.

Discussion: Mayor Pro Tem Abrego made a motion to deny request of Third Coast Storage to apply for a conditional Use Permit for Open Storage (Visual Screen) in General Business zoning in the City of Aransas Pass.

9. CONSIDER AND ACT ON POLICE DEPARTMENT ITEMS:

A. MODIFICATION OF CITY ORDINANCES CHAPTER 28, ARTICLE III, DIVISION 1 – DESIGNATED PARKING.

Motion Made By: Mayor Pro Tem Abrego
Seconded By: Council Member Hyatt
Votes: Aye Abrego, Hyatt, Gomez, Ellis, Chapa

Discussion: Police Chief Blanchard stated during Shrimporee, traffic is heavy on Highland Avenue, Johnson Avenue and Kenwood Street. He stated he would like to put up "Vehicle will be towed" signs in that area to deter people from parking on those streets.

Mayor Pro Tem Abrego stated she did not want those signs out. She stated Shrimporee was the City of Aransas Pass' largest event and does not want to hinder the event. She would like for Chief Blanchard to find other ways to remedy the situation. Council Member Hyatt agreed with Mayor Pro Tem Abrego stating people need places to park during Shrimporee.

Mayor Pro Tem Abrego made a motion to deny modification of City Ordinance Chapter 28, Article III, Division 1 – Designated parking. Council Member Hyatt seconded the motion and the motion carried unanimously.

B. MODIFICATION OF CITY ORDINANCES CHAPTER 4 – ANIMALS AND FOWL.

Motion Made By: Council Member Ellis
Seconded By: Council Member Hyatt
Votes: Aye Ellis, Hyatt, Abrego, Gomez, Chapa

Discussion: Police Chief Blanchard stated modifying City Ordinance Chapter 4 – Animals and fowl will have an insertion holding pet owners accountable for their pets, fee schedule changes, microchipping, adoptions and leaving pets unattended in their vehicles.

Council Member Ellis made a motion to approve the modification of City Ordinance Chapter 4-Animals and fowl. Council Member Hyatt seconded the motion and the motion carried unanimously.

10. CONSIDER AND ACT ON EMERGENCY PUBLIC WORKS ITEMS:

A. APPROVING THE COST OF EMERGENCY REPAIRS FOR MANHOLES ON ARCH AND NELSON FOR \$38,100.

Motion Made By: Council Member Hyatt
Seconded By: Council Member Ellis
Votes: Aye Hyatt, Ellis, Abrego, Gomez, Chapa

Discussion: City Manager Carrillo stated manholes on Arch and Nelson needed repair work. She stated the cost of emergency repairs for manholes on Arch and Nelson would be approximately \$38,100.

B. APPROVING THE COST OF EMERGENCY STREET REPAIRS TO SAUNDERS STREET.

Motion Made By: Council Member Ellis
Seconded By: Council Member Gomez
Votes: Aye Ellis Gomez, Abrego, Hyatt, Chapa

Discussion: City Manager Carrillo stated Saunders Street needed a temporary fix. She stated the street would be zipped at a cost of approximately \$8,500. Public Works Director Quintanilla stated, once repair work was approved through city council, the street will be fixed and drivable the same day.

Council Member Ellis made a motion to approve the cost of emergency street repair to Saunders Street at a cost not to exceed \$8,500. Council Member Gomez seconded the motion and the motion carried unanimously.

11. CITY MANAGER UPDATES: FUTURE CITIZENS ACADEMY

Discussion: City Manager Carrillo stated the curtain is up on the elevated water tower and work has begun

DEPARTMENT UPDATES: POLICE DEPARTMENT

Discussion:

12. **RECESS OPEN MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.**

Mayor Chapa recessed the Open Meeting and retired to Executive Session at 8:07 PM.

A. SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS

B. SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY

13. **RECONVENE IN OPEN MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.**

Mayor Chapa reconvened the Open Meeting at 8:45 PM.

A. SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS

Motion Made By: Council Member Hyatt
Seconded By: Council Member Ellis
Votes: Aye Hyatt, Ellis, Abrego, Gomez, Chapa

Discussion: Council Member Hyatt made a motion to authorize City Attorney Allen Lawrence to form an agreement with all non-profit organizations for annual debt receipt funds received from the City of Aransas Pass. Council Member Ellis seconded the motion and the motion carried unanimously.

B. SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY

Motion Made By: Council Member Hyatt
Seconded By: Council Member Ellis
Votes: Aye Hyatt, Ellis, Abrego, Gomez, Chapa

Discussion: Council Member Hyatt made a motion to approve city staff authorization to purchase property on Highland Avenue and 12th Street for future lift station. Council Member Ellis seconded the motion and the motion carried unanimously.

14. ADJOURNMENT OF MEETING.

Motion Made By: Council Member Gomez
Seconded By: Council Member Ellis
Votes: Aye Gomez, Ellis, Abrego, Hyatt, Chapa.

Mayor Chapa adjourned the meeting at 8:50 PM

Adan Chapa, Mayor

Attest:

Yvonne Stonebraker, City Secretary

